

### **REMARKS**

In a restriction requirement dated March 29, 2007, the Examiner required restriction under 35 U.S.C. § 121 between the following groups of claims:

Group I - Claims 1-7, drawn to an electrochemical conversion system with a solid oxide fuel cell (SOFC), classified in class 429, subclass 30.

Group II - Claims 8 and 9, drawn to processes for preparing an electrochemical cell, classified in class 429, subclass 12.

Applicants provisionally elect to prosecute Group I, claims 1-7, drawn to drawn to an electrochemical conversion system with a solid oxide fuel cell (SOFC), classified in class 429, subclass 30 with traverse. Applicants also elect the species of the Ni-YSZ type metal oxide, with traverse.

In order to require restriction of claims, the Examiner must demonstrate that the subject matter of the claims is independent or distinct and that there would be a serious burden on the Examiner if restriction is not required. Manual of Patent Examining Procedure, § 803. Inventions are considered independent if "there is no disclosed relationship between the two or more inventions claimed, that is, they are unconnected in design, operation, and effect." Manual of Patent Examining Procedure, § 802.1. Inventions are considered distinct if at least one invention is patentable over the other. *Id.*

If the Examiner can establish that the claims contain two or more independent or distinct inventions, the second prong of the test is applied. The Examiner must also explain why there would be a serious burden on the Examiner if the claims were not

restricted. Manual of Patent Examining Procedure, § 808.2. The Examiner has not shown, however, that the search of both of these Groups would be a serious burden, especially as the Groups are found within the same class (class 429) and many search terms used to search the prior art would be the same. Therefore, Applicants request that the Examiner search both Group I and II concurrently.

Finally, Applicants request consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim.

### **Conclusion**

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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